

REMARKS

In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and allowance of the above-identified application.

Claims 1, 2, 4, 5, 9 and 12-27 are now pending in this application, with Claims 1, 2, 4, 5, 9, 12, 20-23, 25 and 27 being independent. By this Amendment, Applicant has added new Claims 23-27. No new matter has been added.

Claims 1, 12-17 and 20-22 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,157,488 (Ishii) in view of U.S. Patent No. 5,048,925 (Gerritsen, et al.). Claims 2, 4, 5, 9 and 13-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ishii and Gerritsen, et al. in view of U.S. Patent No. 5,279,924 (Sakai, et al.). Applicant traverses these rejection.

As recited in each of the independent claims, Applicant's invention is generally directed to a diffractive grating portion having a pair of diffractive gratings, with the pair of diffractive gratings differing in both grating thickness and dispersion from each other. The pair of diffractive gratings confront each other through a space of a refractive index of 1. In addition, a maximum optical path length difference occurring in said diffractive grating portion with respect to each of at least two wavelengths is m (integer) times the wavelength, and the values of m in the two wavelengths are the same.

As previously presented to the Examiner, Ishii describes a diffractive grating in which a combination of polycarbonate and a material of low refractive index and low dispersion is a prerequisite. If the diffractive grating portion described in Ishii were to be modified as suggested by the Examiner, such that the second optical region would have a refractive index of 1, the required combination set forth in Ishii would be impossible to

form. Thus, Applicant submits that Ishii cannot be cited as suggesting a pair of diffractive gratings separated by refractive index of 1, as in the present invention. Further, Applicant submits that Ishii teaches against such a modification.

In addition, Gerritsen, et al. does not describe an optical element in which a maximum optical path length difference occurring in the diffractive grating portion with respect to each of at least two wavelengths is (m) integer times the wavelength, with the values of m in the two wavelengths being the same. Instead, Gerritsen, et al. describes the use of two diffractive gratings which independently function as diffractive optical elements. Accordingly, that document describes a diffractive grating portion having a technical background completely different from that of the present invention.

Consequently, because of these failures of the cited art, Applicant submits that Gerritsen, et al. and Ishii could not be combined as suggested by the Examiner to achieve the present invention, given their disclosures, and submits that one of ordinary skill in the art would not be motivated to attempt the same.

Sakai, et al. is merely cited in the Office Action as describing the use of a diffractive grating element with peak and valley portions. Applicant submits that this document fails to overcome the deficiencies discussed above with respect to Ishii and Gerritsen, et al.

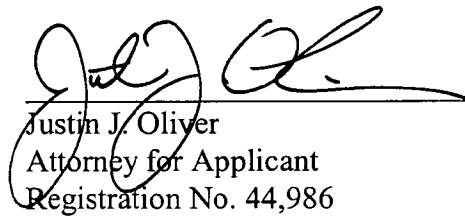
Accordingly, Applicant submits that Ishii, Gerritsen, et al. and Sakai, et al., taken alone or in combination, fail to disclose or suggest at least the above-discussed features of the present invention. In addition, Applicant submits that new Claims 23-27 recite additional features of the present invention which even further distinguish them from the cited documents.

For the foregoing reasons, Applicant submits that the independent claims are allowable over the applied documents, and requests withdrawal of the rejections under 35 U.S.C. § 103.

The remaining claims in the present application are dependent claims which depend from the independent claims, and thus are patentable over the applied documents for reasons noted above with respect to those claims. In addition, each recites features of the invention still further distinguishing it from the applied patents. Applicant requests favorable and independent consideration thereof.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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